

**CITY OF ANGELS  
PLANNING COMMISSION  
SUMMARY MINUTES**

**Regular Meeting of Thursday April 10, 2014  
City Fire House 1404 Vallecito Road  
Angels Camp, California**

**CALL TO ORDER**

The meeting was called to order by Chair Broeder at 6:00 P.M.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

Commissioners Present: Chair Broeder, Vice-Chair Rudolph, and Commissioner Behiel

Commissioners Absent: Commissioner Gonzalez

Staff Present: Planning & Building Director David Hanham, and Deputy City Clerk Jennifer Preston

**APPROVAL OF AGENDA**

**MOTION BY COMMISSIONER BEHIEL AND DULY SECONDED BY COMMISSIONER RUDOLPH AND CARRIED 3-0 TO APPROVE THE AGENDA AS PRESENTED.**

**APPROVAL OF MINUTES**

1. Approval of the March 13, 2014 regular meeting minutes.

**MOTION BY COMMISSIONER BEHIEL AND DULY SECONDED BY COMMISSIONER RUDOLPH AND CARRIED 3-0 TO APPROVE THE MARCH 13, 2014 REGULAR MEETING MINUTES.**

**PUBLIC COMMENTS**

**OPENED AT 6:04 P.M.**

**CLOSED AT 6:05 P.M.**

**PUBLIC HEARINGS**

2. Resolution 2014-02 Amending Title 17, Chapter 63 (Landscaping) and adding Chapter 64 (Oak Tree and Heritage Tree Preservation) of the City of Angels Municipal Code.

Planning Director Hanham presented the staff report and background regarding the Oak Tree and Heritage Tree Preservation Ordinance and recommended that the Commission adopt Resolution 2014-02 to recommend approval to the City Council amending Title 17, Chapter 63 (Landscaping) and adding Chapter 64 (Oak Tree and Heritage Tree Preservation) of the City of Angels Municipal Code.

Commissioner Rudolph stated that she believes that the ordinance is on the right track with what the General Plan called for and it needs to be passed.

Commissioner Behiel questioned if the projects of concern is what caused the City to create this ordinance or was it the General Plan.

Planning Director stated it was the General Plan but the projects spearheaded it forward.

**PUBLIC COMMENT OPENED** - 6:15 P.M.

Tad Folendorf, 1090 Utica Lane

Mr. Folendorf stated that he thinks that the City does not need this ordinance, that any development projects that come in will have a planned development that can over see the trees. Also this will have neighbors against neighbors, and for the size of Angels Camp this ordinance is unnecessary. If the City was truly concerned with preservation they could have a nursery of trees out at the spray fields for replacement trees. Again this ordinance is excessive for Angels Camp.

Marvin Pierce, 1000 Gold Cliff Road

Mr. Pierce stated that he is concerned about the overgrowth on his property, bothered by over regulations and fire safety. Mr. Pierce questioned who would be liable for damages from trees that fell on something that could not be cut down because the City wants to preserve it.

**PUBLIC COMMENT CLOSED** - 6:29 P.M.

Commissioner Behiel stated that the applicability section of the ordinance contradicts some items in the rest of the ordinance. Commissioner Behiel believes that this ordinance is a knee-jerk reaction from two planned developments that were going to be built, they cut the trees down, but then the economy hit rock bottom and construction never started. Commissioner Behiel did some research and found that the average cost of a 15 gallon oak tree was \$90.00, then add labor to plant the trees, the amount could go up to \$250.00 per tree. If a developer is clearing property to build and he has to clear 40 oak trees the cost could be \$10,000 per acre. This ordinance restricts people from doing things on their land, decreases value of the property, increases liability and discourages development. Items that need to be addressed are, clarify the applicability, possibility of deleting the native trees, and have caps on the amounts paid by a developer for mitigation. He believes that the City should not have anything that is more of a burden on property owners than the county ordinance.

Commissioner Rudolph stated that she believes that the trees are important, but they do get in the way of development. She agrees with protecting heritage trees and hopefully the trees will still be here for our grandchildren to enjoy.

Commissioner Broeder stated that he would like to know what the City's liability would be if we have the ordinance in place or if the City does not adopt it, could the City still be liable.

Staff stated that every case is different and it would depend on the facts of the case.

Planning Director Hanham stated if the City does not adopt a tree ordinance then the City cannot mitigate development.

Chair Broeder stated that he doesn't care to have more regulations but something needs to be done to protect the larger oak trees because they take so long to grow. He was concerned with the original ordinance but likes the current one.

**MOTION BY COMMISSIONER BROEDER AND DULY SECONDED BY COMMISSIONER RUDOLPH TO ADOPT RESOLUTION 2014-02 AS IS. COMMISSIONER BEHIEL ASKED IF THERE CAN BE MORE DISCUSSION BEFORE THE VOTE.**

The discussion that followed was concerning the applicability section of the ordinance, and the applicability is to stay as it is. The next part of the discussion was concerning section 17.64.050, Item B, Section 2, should say "If the Director determines that the oak tree is not dead, dying or diseased, the property owner may apply for an oak tree or heritage tree removal permit if he or she still wishes to remove the tree". In section 17.64.060, Item D, delete everything after "replacement trees".

There was a large discussion concerning mitigation. Commissioner Behiel would like to see a cap on the amount developers would have to pay if they are developing land that is dense with oak trees. Commissioner Rudolph and Chair Broeder disagree and agree with the current ordinance formulas.

Staff will email changes to the commission for review.

**MOTION BY COMMISSIONER RUDOLPH AND DULY SECONDED BY COMMISSIONER BROEDER AND CARRIED 2-1 WITH COMMISSIONER BEHIEL VOTING NO TO WITHDRAWL THE FIRST MOTION AND ADOPT RESOLUTION 2014-02 A RESOLUTION OF THE CITY OF ANGELS PLANNING COMMISSION RECOMMENDING APPROVAL TO THE CITY COUNCIL AN AMENDMENT TO TITLE 17 CHAPTER 63, LANDSCAPING AND THE ADDITION TO TITLE 17 CHAPTER 64, OAK TREE AND HERITAGE TREES PRESERVATION AS AMENDED.**

3. Resolution 2014-03 Creating Title 17, Chapter 36, Business Attraction and Expansion (BAE) Zone District of the City of Angels Municipal Code.

Planning Director Hanham presented the staff report and staff recommends that the Planning Commission adopt Resolution 2014-03, a resolution recommending to the City Council to create Title 17, Chapter 36, Business Attraction and Expansion Zone District.

**PUBLIC COMMENT OPENED** - 7:17 P.M.

**PUBLIC COMMENT CLOSED** - 7:18 P.M.

On the resolution, in the title, change "RECOMMENDING" to "RECOMMEND".

**MOTION BY COMMISSIONER BEHIEL AND DULY SECONDED BY COMMISSIONER RUDOLPH AND CARRIED 3-0 TO APPROVE RESOLUTION 2014-03 A RESOLUTION OF THE CITY OF ANGELS PLANNING COMMISSION TO RECOMMEND APPROVAL TO THE CITY COUNCIL FOR THE CREATION OF CHAPTER 17.36, BUSINESS ATTRACTION AND EXPANSION ZONE DISTRICT AS AMENDED.**

**PLANNING COMMISSION MATTERS**

**4. Sign for Century 21 Sierra Properties-Resolution 2014-04 at 1301 S. Main Street, APN 062-004-053.**

Planning Director Hanham presented the staff report and Resolution 2014-04 and recommends that the Planning Commission adopt Resolution 2014-04 a resolution approving a freestanding sign for Century 21 located at 1301 S. Main Street.

On the resolution, under the 3rd whereas, last line, change "4.5" to "5.5".

**MOTION BY COMMISSIONER RUDOLPH AND DULY SECONDED BY COMMISSIONER BEHIEL AND CARRIED 3-0 TO ADOPT RESOLUTION 2014-04 A RESOLUTION APPROVING A FREESTANDING SIGN FOR CENTURY 21 LOCATED AT 1301 S. MAIN STREET AS AMENDED.**

**5. Sign for Angels Camp Business Association-Resolution 2014-05 at 1075 Utica Lane, APN 060-006-008, a sign on top of the park kitchen.**

Planning Director Hanham presented the staff report and Resolution 2014-05 and recommends that the Planning Commission adopt Resolution 2014-05 a resolution approving a wall sign for the Angels Camp Business Association located at 1075 Utica Lane.

**MOTION BY COMMISSIONER RUDOLPH AND DULY SECONDED BY COMMISSIONER BEHIEL AND CARRIED 3-0 TO ADOPT RESOLUTION 2014-05 A RESOLUTION APPROVING A WALL SIGN FOR THE ANGELS CAMP BUSINESS ASSOCIATION LOCATED AT 1075 UTICA LANE.**

**6. Review of Chapter 17.34 - Permitted Uses & Conditional Use Permits, Land Use Table.**  
Planning Director Hanham presented the staff report regarding the Permitted, Conditional Use & Site Plan Review Land Uses Table.

**PUBLIC COMMENT OPENED:** 7:36 p.m.

Anne Forrest, 1545 Tryon Court

Ms. Forrest stated that DAC and ACBA both believe this table is a great idea for streamlining business licenses. It is important for business owners to see what can be done in each zone district.

Dixon Collins, 259 Leaf Court

Mr. Collins stated that he agrees and believes that the land use table is very important and helps to attract businesses to Angels Camp to increase our tax base.

Cathy Collins, 259 Leaf Court

Ms. Collins stated that she also agrees with the table, she asked if a business owner could apply for a variance if something was not allowed in a certain zone district.

Planning Director Hanham stated that applicant could always apply for a variance.

**PUBLIC COMMENT CLOSED:** 7:40 p.m.

The discussion that followed was regarding the way the table should be formatted and issues with medical marijuana dispensary. The consensus of the commission was to change the table to incorporate the comments in red and bring back to the commission for a public hearing.

**MOTION BY COMMISSIONER BEHIEL AND DULY SECONDED BY COMMISSIONER RUDOLPH AND CARRIED 3-0 FOR STAFF TO MAKE THE APPROVED CHANGES IN RED AND BRING BACK TO THE COMMISSION FOR A PUBLIC HEARING.**

**COMMITTEE REPORTS**

**7. GPI - General Plan Implementation Committee – Planning Director Hanham**

Planning Director Hanham stated that Commissioner Gonzalez and Behiel are on the committee and we will be setting priorities for a list to take to council.

**8. DAC – Destination Angels Camp Committee - Chair Broeder**

Chair Broeder stated that the DAC approved two Board of Directors which are Charlie Creaton, and Brent Harrington. There have been phone interviews for the Business Recruiter position for DAC and there were two excellent candidates. Bob Trincherro has been helping out with fundraising and we have Rabobank and Ironstone close to donating. Frogtown might be able to have the Strawberry Blue Grass Festival because the Rim Fire burned where the festival is normally held.

## COMMISSIONER'S REPORTS

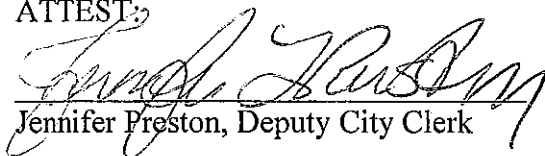
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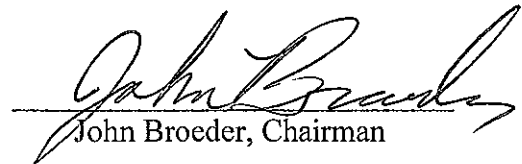
## STAFF REPORTS

Planning Director Hanham stated that the Housing Element contract has been approved by council with Amy Augustine. Staff is reviewing the environmental document that Amy Augustine has submitted for Mark Twain Saint Joseph's Hospital. The Commission will probably have a special meeting in May to hear the item for the clinic. RFP's have been sent out for consultants for the Partnership Planning Grant for the Gateway Corridor of 4 and 49. CCOG is in the middle of two projects with one being the Active Transportation Program which will give us grant monies for trails and sidewalks, so staff will be getting a priority list together for council to get projects funded. The other project from CCOG is a program that funds capital transportation projects, and the county has been sitting on \$750,000. The city will be putting together a project list to optimize some of that funding. Staff has received a lot split application over by the Travelodge. Planning Director Hanham stated that he attended the Cal Ed Conference which allows us to see how the other cities in the state are doing. Staff has been in contact with two developers that represent three major businesses, these developers are looking at parcels within our CC zone district to redevelop. Staff is meeting with DeNova Homes tomorrow because they would like to get their project moving by next September. There has been two applicants for the empty planning commissioner position.

MEETING WAS ADJOURNED AT 8:15 p.m.

ATTEST:

  
Jennifer Preston, Deputy City Clerk

  
John Broeder, Chairman